

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
CHARTER OF THE
CRITICAL INFRASTRUCTURE PARTNERSHIP ADVISORY COUNCIL

I. ESTABLISHMENT AND OFFICIAL DESIGNATION

Consistent with section 201 of the Homeland Security Act of 2002 (the “Act”), 6 USC § 121, and pursuant to section 871(a) of the Act, 6 USC § 451(a), the Secretary of Homeland Security (Secretary) hereby establishes the Critical Infrastructure Partnership Advisory Council (CIPAC) for the purposes set forth herein. In recognition of the sensitive nature of the subject matter involved in the CIPAC’s activities, the Secretary hereby exempts the CIPAC from Public Law 92-463.

II. OBJECTIVE AND SCOPE OF ACTIVITY

A. The CIPAC will support implementation of the National Infrastructure Protection Plan (NIPP), and will help to effectuate the sector partnership model set forth in the NIPP, by coordinating Federal infrastructure protection programs with the infrastructure protection activities of the private sector and of State, local, territorial, and tribal governments. Specifically, the CIPAC will facilitate interaction among government representatives at the Federal, State, local, and tribal levels and representatives from the community of Critical Infrastructure and Key Resources (CI/KR) owners and operators in each critical sector to engage in, among other things:

1. Planning;
2. Coordination;
3. Security program implementation;
4. Operational activities related to critical infrastructure protection security measures, including incident response, recovery, and reconstitution from events both man-made and naturally occurring; and
5. Sharing of information about threats, vulnerabilities, protective measures, best practices, and lessons learned.

B. As appropriate, the CIPAC may develop policy advice and recommendations on critical infrastructure protection matters to be provided to the Department of Homeland Security, the Sector-Specific Agency (SSA) for each sector, and the other Federal departments and agencies supporting the critical infrastructure protection mission under the NIPP, which have responsibility for establishing and implementing Federal policy and managing Federal programs. The CIPAC has no authority to establish Federal policy or otherwise undertake inherently governmental functions.

C. The CIPAC and its component working groups may consult with interested parties, agencies, interagency committees, or groups of the United States Government and with private groups and individuals.

III. MEMBERSHIP AND ORGANIZATION

A. The CIPAC will be representative of the following CI/KR sectors identified in Homeland Security Presidential Directive 7 (HSPD-7):

- Food and Agriculture
- Banking and Finance
- Chemical
- Commercial Facilities
- Defense Industrial Base
- Drinking Water and Waste Water
- Dams
- Emergency Services
- Energy
- Information Technology
- Nuclear Reactors, Materials, and Waste
- Postal and Shipping
- Public Health and Healthcare
- Telecommunications
- Transportation Systems

The specific membership of the CIPAC will consist of: (i) the CI/KR owners and operators that are members of their respective sector's recognized Sector Coordinating Council (SCC), including their representative trade or equivalent organizations [hereinafter "SCC CIPAC Members"]; and (ii) Federal, State, local, and tribal governmental entities comprising the members of the Government Coordinating Council (GCC) for each sector, including their representative trade or equivalent organizations [hereinafter "GCC CIPAC Members"]. CI/KR owners and operators are those entities that own and invest in infrastructure assets, in the systems and processes to secure them, and that are held responsible by the public for their operations and the response and their recovery when their infrastructures or key resources are disrupted.

B. In order to achieve as representational a membership as possible from each sector and from across all sectors, as new SCCs are formed and existing ones mature, CI/KR owners and operators or their representative trade or equivalent organizations that join SCCs after the date of establishment indicated below shall be considered for membership in the CIPAC to achieve as full a representation of the sector as possible. The CIPAC Executive Secretariat will publish quarterly updates in the Federal Register to announce changes in the membership of the CIPAC.

C. The CIPAC may meet as a whole or in any combination of subgroups that is most conducive to the effective conduct of its activities including, without limitation, in groups encompassing discrete sectors to address sector-specific issues and concerns, or in a small group with a single designated representative from each sector to address interdependencies and other cross-sectoral issues. As independent bodies, meetings consisting solely of members of the SCCs, or those consisting solely of members of the GCCs, shall not constitute meetings of the CIPAC. In addition, the CIPAC may establish informal working groups for the purpose of fact-finding, issue development, or other preliminary non-deliberative activities, and meetings of these working groups shall not constitute meetings of the CIPAC.

D. Non-Federal members of the CIPAC serve as representatives of their sectors, not as special government employees as defined in section 202(a) of Title 18, United States Code. Members will serve without any compensation for their work.

IV. MEETINGS AND RESPONSIBILITIES

A. The CIPAC, in whole or in subgroups, will meet at least quarterly to address matters within the scope of this Charter, and may meet more frequently as necessary or appropriate to address mission requirements. Except in exigent circumstances, the CIPAC Executive Secretariat will provide public notice of when scheduled meetings of the CIPAC are expected to be held.

B. CIPAC meetings will be held only upon the approval of, and at the call of, the CIPAC Executive Secretariat.

C. Meetings of the CIPAC will customarily be closed to the public, but may be opened as deemed necessary or appropriate by the CIPAC Executive Secretariat after consultation with the members.

D. The Infrastructure Programs Office (IPO) in the Infrastructure Partnerships Division of the Office of Infrastructure Protection, Preparedness Directorate, Department of Homeland Security, will serve as the CIPAC Executive Secretariat. The CIPAC Executive Secretariat will:

1. Attend all meetings of the CIPAC and ensure that the advisory activities of the CIPAC are within its authorized scope of responsibility, exercising the power to adjourn any of its meetings if necessary;
2. Oversee the development, implementation, operation, and observance of administrative procedures for the CIPAC in accordance with the policies approved by the Secretary. It will also issue guidance for participation in the CIPAC, including the development of metrics for the effectiveness of the public-private partnership.
3. Prepare summaries of CIPAC meetings that will at a minimum contain a record of the membership present, including the interests and affiliations they represent; a description of matters and materials discussed; and any general actions taken, conclusions reached, or recommendations adopted;
4. Maintain calendars and agendas for CIPAC meetings, as well as prepare public notices related to meetings;
5. Coordinate the processing, review and evaluation of all information shared and communications with Federal entities;
6. Maintain all member information and publish changes in CIPAC membership in the Federal Register on a quarterly basis
7. Develop and maintain on an ongoing basis a publicly-accessible website that will provide, to the extent consistent with security objectives, copies of meeting agendas and periodic reports on the CIPAC's accomplishments;

8. Extend invitations to Federal, State, local, territorial and tribal officials, and other expert consultants to attend meetings, as required by the activities of the CIPAC;

9. Approve any CIPAC bylaws that are consistent with this Charter; and

10. Perform other administrative functions as may be required.

E. The CIPAC Executive Secretariat may accept the offer of another Federal agency to host and administer any CIPAC meeting. The costs of such services will be borne by the offering agency, and will follow procedures as established by DHS.

F. CIPAC members participate according to this Charter and any bylaws hereafter adopted.

V. ESTIMATED COSTS, COMPENSATION, AND STAFF SUPPORT

Subject to the availability of appropriations, DHS envisions the need for and shall provide the CIPAC with administrative support in the form of two (2) FTE positions, and with such funds as may be necessary to cover operating expenses and administrative costs generated in conducting its business. CIPAC Members shall customarily bear their own costs of participating in the CIPAC; however, DHS may reimburse State, local, and tribal officials for their reasonable travel expenses and *per diem* in lieu of subsistence. The estimated annual operating costs for Fiscal Year 2006 are \$375,000.00 plus personnel costs for one (1) permanent staff member. The estimated annual operating costs for Fiscal Year 2007 are \$750,000.00 plus personnel costs.

VI. DURATION

The CIPAC shall function on a continuing basis until the earlier of (A) two years from the date of establishment indicated below; or (B) termination by the Secretary; provided however, that the CIPAC may continue to exist beyond two years from the date of establishment indicated below upon renewal by the Secretary pursuant to section 871(b) of the Homeland Security Act of 2002, 6 USC § 451(b).

Michael Chertoff
Secretary
Department of Homeland Security

Date: _____